

EPA REGION 5 MINING TEAM CHARTER

Need for a Region 5 Mining Team

- Region 5 is facing a myriad of current and emerging mining issues. The mines will have significant potential environmental impacts, with implications for air, water, NEPA and waste.
- We anticipate an increase of hardrock and coal mining activity in the Region, which will require increased effort for EPA staff to respond to.
- The mining sector presents complex issues, some of which Region 5 hasn't historically had the expertise to address. The team may be able to help with this problem. The Region's knowledge base is tied to specific projects and is not easily accessible between programs.
- EPA policies and practices that emerge in one mining sector, such as coal, may affect other sectors, such as taconite, and that some issues and knowledge base are common to all mining activities. The team will foster communication between programs.
- Mining in the Midwestern climate is different from mining in western regions. New or revised national guidance and policies are emerging. The Region needs to respond to national forums with information and viewpoints that reflect the industry and climate in the Region.

Team Purpose

EPA's Region 5 Mining Team is a cross-media group created to:

1. Identify and make recommendations to resolve policy and technical issues at active, inactive, and abandoned hardrock and coal mines;
2. Leverage regional expertise and resources on mines and mining issues; and
3. Foster communication and coordination between programs and offices in the Region 5 office.

Scope of Activities

The major activities of the Mining Team are to:

- Ensure that Region 5 is prepared to address mining issues quickly and effectively as they arise; and that the Regional Administrator and Deputy Regional Administrator are informed and advised on critical issues (e.g. universe of mining projects in the region; status of projects).
- Leverage regional expertise and resources on mining issues by serving as a clearinghouse for mining issues by bringing together cross-media staff to provide effective input on complex

mine EA/EIS and state and federal permitting, which often allow only a short time frame for regional review. These resources can also aid in compliance evaluation, and enforcement issues.

- Build capacity and knowledge and keep abreast of important initiatives, rulemaking, and policies (e.g., CERCLA 108(b) financial assurance).
- Provide a venue to obtain necessary expertise if not available in the Region (e.g., mining engineers).
- Identify for the RA, DRA, and Division/Office Directors key policy and technical issues that need to be addressed or clarified.
- Develop cross-programmatic strategies and guidance on critical issues (e.g., financial assurance).
- Respond with authoritative answers on the regulatory requirements applicable to specific hardrock and coal mine projects and the factors that constitute a satisfactory project.
- Inventory the universe of mines in Region 5 (exploratory, proposed, active, and abandoned) and compile relevant information such as compliance status.
- Identify emerging trends and issues related to mining and how the Region can best plan today for such possibilities.
- Coordinate efforts and ensure consistency on mine specific projects.
- Identify opportunities to improve coordination with our state, tribal and federal partners.
- Develop outreach strategies for different audiences (e.g. tribes, states, NGOs).
- Generate tools or products for Region 5 use such as a project inventory.
- Participate in the National Mining Team (NMT) monthly calls, meetings, etc. and provide feedback on position papers developed by the NMT.

Description of Team Duties

The EPA Region 5 Mining Team is advisory in nature. The Team will develop documents consistent with its purpose and the scope of the activities listed above. Team members will update one another on general mining information and specific mining projects going on in the Region.

Official to Whom the Team Reports

The EPA Region 5 Mining Team will submit information, advice and recommendations through the Water Division Director to the Region 5 RA and DRA. Team members will ensure that their

respective Division/Office Director has an opportunity to comment on draft advice and recommendations pertaining to programs administered within their Division/Office.

Estimated Number and Frequency of Meetings

The Region 5 Mining Team expects to meet every month. A full-time EPA employee will be appointed the Mining Team Lead. The RA and DRA will determine from which Division or Office the Mining Team Lead will be selected. The Mining Team Lead will be present at all meetings and will create the meeting agenda, in conjunction with management when appropriate. Since this team is internal, documents the team creates will not be shared with external stakeholders unless fully vetted and approved by the appropriate level of management. When appropriate, the Water Division Director will get the RA/DRA approval.

Duration and Termination

The Region 5 Mining Team will be reviewed annually and will exist until the RA or DRA determines that the team is no longer needed. This charter will be in effect until the team is terminated but will be modified as necessary to meet Region 5's needs.

Members Composing the Team

The Team will be composed of approximately fifteen to twenty members, although composition may vary depending upon particular needs. At least one representative will serve from the Office of Enforcement and Compliance Assurance, the Indian Environmental Office, the Air and Radiation Division, the Great Lakes National Program Office, the Land and Chemicals Division, the Office of Regional Counsel, the Superfund Division, and the Water Division. The Water Division may allocate more than one representative since this Division has a majority of the mining work at this time.

Subgroups

The Team may form workgroups for any purpose consistent with this charter. Workgroups can conduct research and develop draft documents on specific topics. Any product developed by the workgroups must be provided to the Mining Team for review and approval. Workgroups have no authority to make decisions on behalf of the team nor can they report directly to the RA or DRA.

For reference

Issues arising in Region 5 mining projects

Hydrological Impacts

- Destruction of Wetlands/ Compensation (CWA 404)
- Stormwater Management

Water Quality Impacts

- Surface Water Quality Impacts
(sulfates, chlorides, acid mine drainage, metals/toxics/conductivity)
- Past Contamination
- Impacts of Mineral Processing (e.g., waste rock, tailings, processing sludges)
- Impacts to Drinking Water Sources
- Cumulative Impacts

Tribal Issues

- Wild Rice Impacts (Example of Specific Tribal/State Standards)
- Tribal Water Quality Standards
Tribal Treaty-Protected Resources

Air Issues

- Mercury/Toxics
- Particulates
- Impact on Class I Air Sheds

Technology

- Technology/Design of Controls – Tailing Basins
- Wastewater Treatment Design/Capacity

Other

- Waste Management
- Hazardous Waste Sites/Brownfields
- Financial Assurance - CERCLA 108(b)
- Impacts on Habitat, Wildlife and Fish (Endangered Species Act)
- Indirect Impacts (e.g., roads, rail lines, power lines, pipelines)
- Historical Preservation and Impacts
- Asbestos-Like Fibers